

IN SENATE OF THE UNITED STATES.

JULY 3, 1848.

Submitted, and ordered to be printed.

Mr. DOWNS made the following

REPORT:

The Committee on Private Land Claims, to whom was referred four petitions of the settlers and claimants of the reservation of land in the county of Lee, Iowa, praying the enactment of laws to grant their titles, report:

That for the reasons set forth in the letter from the Commissioner of the General Land Office of the 30th of June, 1848, herewith submitted as a part of this report, the committee are of opinion that the fee of the land referred to in the petitions being, by the act of Congress of the 30th of June, 1834, vested in the half-breeds and other claimants, it is not competent for Congress to interfere. The United States government have no more authority to interfere here to settle disputes or give titles than in other cases where public lands have been sold, for the moment the fee is vested in individuals, all authority passes to the States, and all titles must be decided on and adjusted by the judicial tribunals. The committee, therefore, recommend that the prayer of the petitioners be rejected.

GENERAL LAND OFFICE,
June 30, 1848.

SIR: I have the honor to return herewith the four memorials which, for examination and report, you deposited in this office, from a number of petitioners as settlers and claimants, and some of the half-breed interest holders on the reservation of land in Lee county, Iowa. The petitioners refer to conflicting opinions as existing in regard to the act of Congress of June 30, 1834, viz: "as to the object and meaning of said law," &c., and ask "if it is within the constitutional power of Congress" that such action in the case may be had as in the wisdom of Congress "will establish the fee simple title to said reservation."

The tract alluded to is that known as the half-breed Sac and Fox reservation, lying between the river Mississippi and Des Moines.

By the act of Congress, approved 30th June, 1834, United States Statutes at Large, vol. 4, page 740, chap. 167, it is declared "that all the right, title and interest, which might accrue or revert to the United States to the reservation of land lying between the rivers Des Moines and Mississippi, which was reserved for the use of the half-breeds belonging to the Sacs and Fox nations, now used by them, or some of them, under a treaty made and concluded between the United States and the Sacs and Fox tribes," on the 4th August, 1824, "be and the same are" thereby "relinquished and vested in the said half-breeds of the Sacs and Fox tribes or nations of Indians, who, at the passage of this act, are, under the reservation in the said treaty, entitled, by the Indian title, to the same; with full power and authority to transfer their portions thereof, by sale, devise or descent, according to the laws of the State of Missouri."

This reservation has been separated from the public domain by an actual survey.

By the said act then of 30th June, 1834, Congress, in relinquishing all the interest of the United States in the premises, have already vested a fee simple in the aforesaid half-breeds, and given them power to transfer, according to the laws of Missouri.

Therefore it is respectfully submitted that nothing further remains on the part of Congress to be done in the premises, and that it should be left to the claimants to settle their several rights among themselves, either by constituting some tribunal to arbitrate and finally decide each case, or by resort to the courts by a bill in chancery for a specific division and allotment.

With great respect, your obedient servant,

RICHARD M. YOUNG,
Commissioner.

Hon. S. W. Downs,
Senate U. S.